

To: János Áder, President of the Hungarian Republic

Ghent, Belgium, 20/04/2020

Dear Mr. President of the Hungarian Republic,

The European Professional Association for Transgender Health (EPATH), founded in 2013, is a European membership organisation that brings together scholars and clinicians to exchange knowledge and scholarship in order to promote excellence in the provision of transgender healthcare. EPATH functions as the European chapter of the World Professional Association for Transgender Health (WPATH), and as such endorses the Standards of Care (SOC) of WPATH.

The European Society for Sexual Medicine (ESSM) founded in 1994, is a European Charity organization that have established several educational programs and developed criteria for certification in Sexual Medicine and Sexology. In addition, we offer high level scientific research for enlightening the dark sides of Sexual Medicine, including transgender healthcare. And last but not least, multidisciplinary approach in education, science and clinical practice are applied. Sexual Medicine means involvement of bio-psycho-social aspects and therefore the need for involvement of many disciplines in our society.

**EPATH and ESSM would like to express our serious concerns** regarding the proposed amendments in the [draft omnibus Bill](#) that was announced on March 31<sup>st</sup> 2020 and that simultaneously will amend many laws and provisions in Hungary. Our worries concern especially one of the amendments that relates to legal gender recognition for trans people – proposing to replace “sex” with “sex assigned at birth” in the national registry and on identity documents, as cited in Article 33 of the omnibus Bill. The cited reasoning for this amendment is: *“The sex entered into the civil registry is based on facts determined by doctors, declared by the registry. The registry certifies the facts and rights it includes until proven otherwise, therefore it does not create rights. However, the sex declared by the registry could create rights or obligations, and therefore it is necessary to define the term of birth sex. Given that completely changing one's biological sex is impossible, it is necessary to lay it down in law that it cannot be changed in the civil registry either.”*

EPATH and ESSM call upon the Hungarian President and Parliament to change this formulation in the amendment. If all current mentions of “sex” in identity documents would be changed to the immutable characteristic of “sex assigned at birth”, legal gender recognition would become impossible under any circumstances in Hungary. EPATH and ESSM – representing professionals in the clinical and scientific field of sex & gender – recognise the difference between the *sex assigned at birth* and the *gender identity*<sup>1</sup> of a person. **However, we call upon the Hungarian Parliament to legally recognise a person’s gender identity and once declared to the registry, base rights or obligations on this registered gender of a person.** In this we follow the Parliamentary Assembly which stated in its Resolution 2048 (2015) on discrimination against transgender people in Europe, “the emergence of a right to gender identity ..., which gives every individual the right to recognition of their gender identity and the right to be treated and identified according to this identity”.<sup>2</sup>

Currently identity documents can be changed in Hungary by law, although we are informed that processes have been suspended for nearly two years. May we kindly remind the Hungarian Parliament that when it comes to

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<sup>1</sup> Gender identity refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including a personal sense of one’s body and other expressions of gender, including dress, speech and mannerisms.

<sup>2</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=21736&lang=EN>.

legal gender recognition, the Court has held that national legislation must render the rights under the ECHR “practical and effective, not theoretical and illusory”.<sup>3</sup> As professional organisations EPATH and ESSM endorse the “[Identity Recognition Statement](#)” by WPATH (released on November 15, 2017), EPATH (and ESSM) recognize the right of all people to identity documents consistent with their gender identity, including those documents which confer legal gender status. Hence, we firmly believe that any medical, legal or and other barriers to gender recognition for transgender individuals may harm physical and mental health. We oppose these legal changes which act as barriers to those wishing to change legal sex or gender markers on documents, such as the requirements for diagnosis, counselling or therapy, puberty blockers, hormones, any form of surgery (including that which involves sterilization), or any other requirements for any form of clinical treatment or letters from medical doctors.

We therefore call upon the Hungarian Parliament to reject all attempts to ban Legal Gender Recognition and instead, amend the law to provide quick, transparent and accessible procedures for the change of name and gender on official documents that effectively guarantee full legal recognition for trans people in all areas of life.

Sincerely yours,

The Board-Members EPATH,

Prof. dr. Guy T’Sjoen, endocrinologist, *President & Director of the Scientific Division*

Prof. dr. Joz Motmans, clinical psychologist & social scientist, *President-Elect*

Dr. Annelou De Vries, child psychiatrist, *Secretary-Treasurer*

Dr. Alessandra Fisher, endocrinologist

Prof. Dr. Christina Richards, applied psychologist and social scientist

Dr. Griet De Cuypere, psychiatrist & psychotherapist

Dr. Timo O. Nieder, psychotherapist

Prof. Dr. Walter Pierre Bouman, sexologist

The Board Members of ESSM,

Prof. Carlo Bettocchi, urologist, *President of the European Society for Sexual Medicine (ESSM)*

Prof. Giovanni Corona, endocrinologist, *Chairman of the Scientific Committee*

Prof. Linda Vignozzi, endocrinologist

Prof. dr. Guy T’Sjoen, endocrinologist, *Chairperson of the Transgender sexual health and dysfunction (ESSM)*

Prof. David J. Ralph, urologist, *Chairman of the European Section for male genitalia reconstructive surgery*



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<sup>3</sup> Goodwin v. the United Kingdom and I. v. the United Kingdom, Nos. 28957/95 and 25680/94 (2002)